Appl. No. 09/694,782   <u>PATENT</u>
Amdt. dated February 2, 2004
Reply to Office Action of October 8, 2003

<u>REMARKS/ARGUMENTS</u>

Claims 1-13 are pending. Claim 1 has been amended. New claims 12 and 13 have been added. No new matter has been introduced. Applicants believe the claims comply with 35 U.S.C. § 112.

Claims 1-7 and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Loce (USP 6,438,273).

Applicants respectfully submit that independent claim 1 is novel and patentable over Loce because, for instance, Loce does not teach or suggest determining for each source image pixel a gain that includes dividing the pixels in the source image and auxiliary image into corresponding pixel groups each having a plurality of pixels, calculating an average value for each pixel group in the source image and for each corresponding pixel group in the auxiliary image, subtracting the average value from each pixel group to create pixel difference groups, and computing the gain between corresponding pixels of each pixel difference group of the source image and the corresponding pixel difference group of the auxiliary image.

For at least the foregoing reasons, claim 1 and claims 2-7 and 11 depending therefrom are novel and patentable over Loce.

Claim 8 depends from claim 1, and stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Loce in view of Aleksic (USP 6,317,525). The Examiner cites Aleksic merely for allegedly disclosing the use of weighted average of the gain value of pixel intensity.

Applicants note that Aleksic does not cure the deficiencies of Loce. Thus, claim 8 is patentable at least due to its dependency from allowable claim 1.

Claims 9 and 10 depend from claim 1, and stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Loce in view of Miceli (USP 6,522,284). The Examiner cites Miceli merely for allegedly disclosing the use of a neural network having node centers.

Applicants note that Miceli does not cure the deficiencies of Loce and Aleksic. Thus, claims 9 and 10 are patentable at least due to their dependency from allowable claim 1.

New claims 12 and 13 depend from claim 1, and are submitted to be allowable as being directed to additional features of the invention, as well as by being dependent from

Page 5 of 6

PAGE 8/9 * RCVD AT 2/2/2004 7:27:22 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:6503262422 * DURATION (mm-ss):02-02

Appl. No. 09/694,782   PATENT
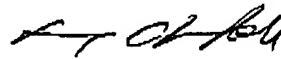Amdt. dated February 2, 2004
Reply to Office Action of October 8, 2003

allowable claim 1. Claim 12 recites that each pixel group comprises N x N pixels. Claim 13

recites that N is 2. These are absent from the references.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this

Application are in condition for allowance. The issuance of a formal Notice of Allowance at an

early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of

this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

Chun-Pok Leung
Reg. No. 41,405

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
RL:rl
60116038 v1